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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

JAE KOH,

Defendant and Appellant.

B291681

(Los Angeles County
Super. Ct. No. BA455090)

APPEAL from a judgment of the Superior Court of Los Angeles County, Stephen A. Marcus, Judge. Affirmed.

John F. Shuck for Defendant and Appellant.

No appearance by Plaintiff and Respondent.

INTRODUCTION

Defendant Jae Koh appeals his convictions for dissuading a witness from reporting a crime and assault with a deadly weapon causing great bodily injury following a jury trial. Appointed counsel on appeal filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). We affirm.

FACTS AND PROCEDURAL BACKGROUND

On February 27, 2017, defendant and his friend “Batka” attended a party. The victim, who was heavily intoxicated, was also at the party. Earlier that week, Batka had an argument with the victim about money. Batka invited the victim outside; the two stood in front of the house and talked. As they talked, defendant stabbed the victim nine times in the back. When the victim felt the stabbing, he turned around and saw defendant’s face. The victim then ran away and fell unconscious in a parking lot. The victim survived, but was in the hospital for four days.

At trial, testimony from the victim, police officers, and the physician’s assistant, who treated the victim, established these facts. The court also admitted and played for the jury a recorded conversation between defendant and Batka, wherein defendant insinuated he had committed the stabbing and directed Batka to deny any knowledge of the crime. The recording was authenticated by a witness who was with Batka during the telephonic conversation, which was conducted on speakerphone and recorded on the witness’s phone. The court admitted the recording over defense objection pursuant to the exception set forth in Penal Code section 633.5 for recording confidential communications related to the commission of a felony involving violence and as a declaration against defendant’s interest.

The jury found defendant guilty of dissuading a witness from reporting a crime and assault with a deadly weapon causing great bodily injury. The court sentenced defendant to six years in

prison for the assault, with a two-year sentence for dissuading a witness to run concurrently. Various fines and fees were imposed. Defendant received 593 days of presentence custody credits.

On July 27, 2018, defendant filed a timely notice of appeal. On December 7, 2018, his appointed counsel filed a brief pursuant to *Wende, supra*, 25 Cal.3d 436, in which no issues were raised. The brief included a declaration from counsel that he reviewed the record and sent defendant a letter advising him that such a brief would be filed and that he could file a supplemental brief if he chose to. That same day, this court sent defendant a letter advising him that a *Wende* brief had been filed and that he had 30 days to submit a brief raising any issues he wanted us to consider. Defendant did not file a supplemental brief.

DISPOSITION

We have examined the entire record and are satisfied that defendant's attorney fully complied with his responsibilities and that no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259; *Wende, supra*, 25 Cal.3d 436.). We affirm the judgment.

RUBIN, P. J.

WE CONCUR:

MOOR, J.

KIM, J.